

REMARKS

Claims 18-30 are pending; claims 20, 21 and 26 are withdrawn. By this Amendment, no claims are cancelled, claims 18, 22-25, 27, 29, and 30 are amended and no new claims are added.

Claim Rejections – 35 U.S.C. § 103

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB Patent No. 1,555,408 to Morse et al. Independent claim 18 has been amended to include the limitation of “transferring thermal energy from a power plant to the process water pond to *increase an evaporation rate of the process water in the process water pond* when a volume of the process water in the process water pond is at or above a first level...” (Emphasis added). Insofar as the rejection applies to amended claim 18, Applicants respectfully traverse the rejection.

Morse et al. is directed to a cooling system for a power plant including a closed loop primary coolant circuit for circulating a coolant through a heat removal means, such as a condenser, in a working fluid circuit. *See, for example*, Morse et al.; claim 1, Figure 1. The coolant passes through a primary heat exchanger, such as a cooling tower 31, upon exit from the condenser, and then selectively passes through a cooling pond 33 for additional cooling if needed. The cooling pond disclosed in Morse et al. is for further cooling of the coolant only, and Morse et al. does not disclose, suggest, or provide a rational basis for “transferring thermal energy from a power plant to the process water pond to increase an evaporation rate of the process water in the process water pond” as recited in newly amended claim 18, in combination with the other limitations of the claims. In fact, Morse et al. teaches away from evaporation of

water from the pond, as discussed in Morse et al. at page 3, lines 86-96: “[I]t is desirable to provide an evaporation barrier such as a cover floating on the surface of the thermal capacitor pond 33 to minimize evaporation losses. In areas of limited water supply, spray nozzles (not shown) may be provided on the top of the pond 33 to provide additional cooling during peak hot periods and a movable cover (not shown) with drain holes may be provided to prevent evaporation during the rest of the year.” Therefore, the Examiner has failed to make a case of *prima facie* obviousness.

It is respectfully submitted that newly amended claim 18 is allowable for at least these reasons. Claim 19 depends from claim 18 and is allowable for at least the same reasons claim 18 is allowable.

Claims 22-25 and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morse et al. in view of U.S. Patent No. 4,402,923 to Lang and “Design & Operating Criteria for a Gypsum Stack/Cooling Pond from an Owner/Operator’s Point of View to Cameron et al. and U.S. Patent No. 4,917,024 to Marten et al. Insofar as the rejections apply to newly amended claim 18, Applicants respectfully traverse the rejections. Marten is cited for teaching the use of byproduct gypsum from the production of electricity using a coal fired power plant. Lang is cited for teaching production of phosphoric acid using a gypsum waste pond. Cameron et al. is cited for teaching that gypsum stacks are often used in conjunction with cooling ponds in chemical manufacturing processes. However, Marten, Lang, and Cameron et al., taken alone or in combination, are silent with regards to “transferring thermal energy from a power plant to the process water pond to increase an evaporation rate of the process water in the process water

pond” as recited in newly amended claim 18, in combination with the other limitations of the claims, and therefore fail to make up for the deficiencies of Morse et al. described above.

It is respectfully submitted that independent claim 18 is allowable for at least these reasons. Claims 22-25 and 27-30 depend from claim 18 and are allowable for at least the same reasons claim 18 is allowable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Burgess", written in a cursive style.

Daidre L. Burgess
Registration No. 60,389

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1558